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| 09/788,439      | 02/20/2001  | John T. Foreman      | 5040-06323/EBM      | 5226             |

7590

09/30/2003

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EXAMINER

VARGOT, MATHIEU D

ART UNIT

PAPER NUMBER

1732

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/788,439

Applicant(s)

FOREMAN et al.

Examiner

M. VARGOT

Group Art Unit

1732

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☒ Responsive to communication(s) filed on 2/20/01
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1160 - 1164 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1160 - 1164 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 5-9
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 1732

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1160-1164 are rejected under 35 U.S.C. 103(a) as being unpatentable over

European Patent Application 318,164 in view of Greshes -579 (see col. 5, lines 50-54 and lines 61-62; col. 8, lines 27-34).

European -318 discloses a computer controlled process for casting monomeric formulations and curing them to make eyeglass lenses, this reference essentially lacking a clear disclosure of monitoring and displaying the status of the curing unit as the monomer is cured and also that the curing would involve heating as well light radiation. However, European -318 clearly teaches that the curing unit consists of a double oven (26a and 26b) which is "preprogrammed to go through a predetermined heating and cooling cycle that provides for curing of the resin at the proper temperatures"--see page 12, lines 31-32. Ie, the curing unit is clearly controlled by a computer. Greshes -579 discloses a computer implemented method for controlling and displaying hot air temperatures during the formation of an eyeglass lens (ie, "same can then be observed and monitored", column 5, line 53) using a computer controlled and programmed press. See also the next line, in which Greshes -579 discloses that such **observation and monitoring** is "**well known, and conventional in the heating art**". At column 5, lines 61-62, Greshes -579 teaches that the plastic of the lens can be heated by heating the molds through conductive heating and/or

Art Unit: 1732

radiation heating. It is submitted that employing heat as well as light is conventional in the curing of monomers to make eyeglass lenses and that one of ordinary skill in the art would have known this and modified the heating of European -318 accordingly. Further, if Greshes -579 knows that observing and monitoring the status of a heating unit to make an eyeglass lens is conventional in the art, should not applicant also know this? While it is true that the heating and pressing of Greshes -579 involves thermoplastic resins and European -318 and applicant cures or polymerizes monomers, it would be assumed that one of ordinary skill in the lens art would have knowledge of computer controls and monitor screens to show the status of the processing. Given the state of the art in computer controls, bar graph indicators (ie, picture representations) using different colors showing the temperature and extent of cure of a lens formulation or tables indicating the same thing would not be beyond the realm of one of ordinary skill in the art. Indeed, a visit to any computer controlled facility shows screens displaying information in such a format to be nothing but conventional and well known in the molding art.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Vargot whose telephone number is 703 308-2621.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0661.

M. Vargot

September 28, 2003

*M. Vargot*  
MATHIEU D. VARGOT  
PRIMARY EXAMINER  
GROUP 1300

9/28/03